

JUSTIN GOLDMAN,

ECF Case

No. 1:17-cv-3144 (KBF)

Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; Statement of Undisputed Facts Pursuant to Local Rule 56.1; and the Declarations of Simon Assaad, Aaron Noble, Matthew Blake, Brad Weiss, Brian Wallace, Frank Schwab, Mark Hiland, Jason Lisk, Justin Emond, Anthony Vitale, Kaitlyn Johnston, Anthony Bonfiglio, Michael R. Hall, and Lacy H. Koonce, III; Defendants Heavy, Inc. (“Heavy”), Time Inc. (“Time”), Yahoo Holdings, Inc. (“Yahoo”), Gannett Company, Inc. (“Gannett”), Herald Media, Inc. (“Herald”), Boston Globe Media Partners, LLC (“Globe”) and New England Sports Network, Inc. (“NESN”) (collectively, the “Defendants”); by and through their respective attorneys, hereby move this Court, before the Honorable Katherine B. Forrest, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for partial summary judgment that Defendants’ embedding from Twitter of a photo allegedly owned by Plaintiff does not constitute direct copyright infringement by Defendants, dismissing the case in its entirety as to Defendants Heavy, Gannett, Herald and NESN, and dismissing the case in part as to Defendants Time, Yahoo and Globe.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's order dated September 27, 2017, responses to this motion are due by November 6, 2017, and replies are due by November 21, 2017.

Dated: New York, New York
October 5, 2017

Respectfully submitted,

By: /s/ Regina Schaffer-Goldman
Regina Schaffer-Goldman (RS-0630)

MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, New York 10178
Tel.: (212) 309-6000
regina.schaffer-goldman@morganlewis.com

Lawrence T. Stanley, Jr. (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
One Federal Street
Boston, MA 02110
Tel. (617) 341-7700
lawrence.stanley@morganlewis.com

*Attorneys for Defendant Boston Globe Media
Partners LLC*

By: /s/ Robert Penchina
Robert Penchina

BALLARD SPARH, LLP
919 Third Avenue, 37th Floor
New York, NY 10022
Tel.: (212) 850-6109
penchinar@ballardspahr.com

Attorneys for Defendant Gannett Company, Inc.

By: /s/ Joseph D. Lipchitz
Joseph D. Lipchitz (*admitted pro hac vice*)

MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO PC
One Financial Center
Boston, MA 02111
Tel.: (619) 542-6000
jdlipchitz@mintz.com

Attorney for Defendant Herald Media, Inc.

By: /s/ Stephen M. Kramarsky
Stephen M. Kramarsky (SK-6666)
Joseph P. Mueller (JM-3113)

DEWEY PEGNO & KRAMARSKY LLP
777 Third Avenue, 37th Floor
New York, NY 10017
Tel.: (212) 943-9000
skramarsky@dpklaw.com
jmueller@dpklaw.com

Attorneys for Defendant New England Sports Network

By: /s/ Lacy H. Koonce, III
Lacy H. Koonce, III (LK 8584)
Eric J. Feder (EF 8016)

DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Tel.: (212) 489-8230
Fax: (212) 489-8340
Email: lancekoonce@dwt.com
Email: ericfeder@dwt.com

Attorneys for Defendants Time Inc. and Vox Media, Inc.

By: /s/ Thomas P. Lane

Thomas Patrick Lane

WINSTON & STRAWN LLP

200 Park Avenue

New York, NY 10166

Tel.: (212) 294-6700

Fax: (212) 294-4700

tlane@winston.com

Jennifer A. Golinveaux (*pro hac vice*)

WINSTON & STRAWN LLP

101 California Street

San Francisco, CA 94111

Tel.: (415) 591-1400

jgolinveaux@winston.com

Attorneys for Defendant Yahoo Holdings, Inc.